

ENTERED

August 31, 2021

Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:

LIMETREE BAY SERVICES, LLC, *et al.*,¹

Debtors.

CHAPTER 11

CASE NO.: 21-32351

(Jointly Administered)

LIMETREE BAY REFINING, LLC

Plaintiff,

v.

Adv. Pro. 21-03791

**BEECHER COTTON, PAMELA COLON,
SIRDINA ISAAC-JOSEPH, ESTHER
CLIFFORD, SYLVIA BROWNE, ALVINA
JEAN-MARIE ILARRAZA, FRANCIS E.
CHARLES, THERESA J. CHARLES, HELEN
SHIRLEY, ANISHA HENDRICKS, CRISTEL
RODRIGUEZ, JOSIE BARNES, ARLEEN
MILLER, ROSALBA ESTEVEZ, ISIDORE
JULES, JOHN SONSON, VIRGINIE
GEORGE, CLIFFORD BOYNES,
CHRISTOPHER CHRISTIAN, MARGARET
THOMPSON, DELIA ALMESTICA, CARLOS
CHRISTIAN, ANNA REXACH-
CONSTANTINE, MERVYN CONSTANTINE,
NEAL DAVIS, EDNA SANTIAGO,
GUIDRYCIA WELLS, O'SHAY WELLS,
AARON G. MAYNARD, VERNE MCSWEEN,
ROCHELLE GOMEZ, MYRNA MATHURIN,
JOAN MATHURIN, LEOBA JOHN
BAPTISTE, WARRINGTON CHAPMAN,
AND ANNE MARIE JOHN BAPTISTE,**

Defendants.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, as applicable, are: Limetree Bay Services, LLC (1866); Limetree Bay Refining Holdings, LLC (1776); Limetree Bay Refining Holdings II, LLC (1815); Limetree Bay Refining, LLC (8671); Limetree Bay Refining Operating, LLC (9067); Limetree Bay Refining Marketing, LLC (9222). The Debtors' mailing address is Limetree Bay Services, LLC, 11100 Brittmoore Park Drive, Houston, TX 77041.

**STIPULATION AND AGREED ORDER AMONG THE
DEBTOR AND THE BERMUDA INSURERS TO VACATE THE ORDER
COMPELLING ATTENDANCE OF THE DEBTOR’S INSURERS AT MEDIATION**

(Docket Nos. 101 and 103)

Limetree Bay Refining, LLC (the “**Limetree Refining**,” or the “**Debtor**”) and counsel for the following insurers: Arch Reinsurance Ltd., Chubb Bermuda Insurance Ltd., Endurance Specialty Insurance Ltd., Liberty Specialty Markets Bermuda Ltd., Markel Bermuda Ltd., XL Bermuda Ltd., Argo Re Ltd., Oil Casualty Insurance, Ltd. (“OCIL”) and Hamilton Re Ltd. (collectively, the “Bermuda Insurers”), by way of special appearance, and solely for the purposes of contesting jurisdiction and proper service of process, hereby enter into this stipulation and agreement to vacate this Court’s Mediation Order, Docket No. 101 (“**Stipulation and Agreed Order**”). In support of this Stipulation and Agreed Order, the Debtor and Bermuda Insurers state as follows:

The Debtor is presently engaged in a mediation (the “**Mediation**”) before the Hon. Judge Isgur (the “**Mediator**”), concerning claims arising from the class action litigation styled *Cotton v. Limetree Bay Ventures, LLC*, Case No. 1:21-cv-00261 (D.V.I.) (the “**Cotton Class Action**”), *Shirley v. Limetree Bay Ventures LLC*, Case No. 1:21-cv-00259 (D.V.I.) (the “**Shirley Class Action**”), and *Boynes v. Limetree Bay Ventures, LLC*, Case No. 1:21-cv-00253 (D.V.I.) (the “**Boynes Class Action**”). On August 27, 2021, the Court entered its Order Compelling Attendance of Debtor’s Insurers at Mediation, Dkt. 101 (the “**Mediation Order**”).

Certain international insurers have alleged that the Court’s Mediation Order is void for lack of jurisdiction. Judge Isgur has suggested that he would be pleased to communicate with those insurers through certain attorneys as intermediaries. All other parties have agreed to participate voluntarily in the Mediation. Accordingly, the Mediation Order is no longer required,

and is hindering the progress of the Mediation. The Debtors and the insurers, by special appearance, request entry of this attached order.

NOW THEREFORE, in consideration of the foregoing recitals, which are incorporated into this Stipulation and Agreed Order, the Parties hereby stipulate and agree as follows:

1. Pursuant to the Parties' stipulation, and based on the mutual assurances and reservations of rights provided herein, the Mediation Order is vacated.

2. Although the Mediation Order is vacated, parties may voluntarily attend Mediation with Judge Isgur, through counsel, and without waiving any rights to contest jurisdiction, service or otherwise. Judge Isgur will have all of the protections and immunities of a bankruptcy judge when serving as Mediator in this case.

IT IS SO ORDERED.

Signed: August 31, 2021.



DAVID R. JONES
UNITED STATES BANKRUPTCY JUDGE

STIPULATED AND AGREED TO ON THIS 31st DAY OF AUGUST, 2021

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Ltd., and Hamilton Re Ltd.

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